



Insurance Department

State of Utah Title & Escrow Commission Meeting Meeting Information

State of Utah

GARY R. HERBERT
Governor
SPENCER J. COX
Lieutenant Governor
TODD E. KISER
Commissioner

Date: July 20, 2020

Time: 9:00 AM

Place: TELECONFERENCE ONLY
Phone: 1-877-820-7831
Passcode: 827555#

ATTENDEES

TITLE & ESCROW COMMISSION

Chair, Nancy Frandsen (*Insurer, Salt Lake County*) Darla Milovich (*Agency, Salt Lake County*)
Vice Chair, Alison McCoy (*Agency, Tooele County*) Chase Phillips (*Agency, Weber County*)
Randy Smart (*Public Member, Salt Lake County*) Perri Babalis, *AG Counsel - TEC*

DEPARTMENT STAFF

Todd Kiser, *Ins. Commissioner* Reed Stringham, *Deputy Comm.* Tracy Klausmeier, *P&C Dir.*
Randy Overstreet, *Licensing Dir.* Danny Schoenfeld, *Finance Dir.* Adam Martin, *MC Examiner*
Michael Covington, *CE Specialist* Steve Gooch, *PIO Recorder*

AGENDA

General Session: (Open to the Public)

- **Welcome** / Nancy Frandsen, Chair
- **Telephone Roll Call**
- **Adopt Minutes of Previous Meeting**
- **Concurrence Reports** / Reed
 - Licenses
 - Penalties
 - Fidelity Title Services LLC (Docket #2019-4186)
 - Attorney exemptions
 - Jeffrey Scott Breglio
- **Board Duties & Responsibilities** / Perri
- **Update on 2020 Goals**
 - ULTA report / Nancy
 - Real Estate Commission report / Darla
- **New Business**
- **Old Business**
- **Other Business**
- **Hot Topics**

Executive Session (None)

- **Adjourn**
- **Next Meeting:** August 17, 2020 — Copper Room

2020 Meeting Schedule in Copper Room

Jan 13 Canceled	Feb 10	Mar 9 Canceled	Apr 13 Canceled	May 11	Jun 8 Canceled
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Jul 20	Aug 17	Sept 28	Oct 19	Nov 9	Dec 14
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* bold dates denote quarterly required in-person meetings

2020 Goals

1. Continue making sure testing is relevant
2. Continue working with the Real Estate Commission
3. Continue working with the ULTA as a liaison
4. Increase awareness of wire fraud's effect on consumers and agencies

**Title Agency Licensing
May 2020**

New Licenses:

Agency ID	Name	Orig Issue Date	Expire Date	LOA
(none)				

Renewed Licenses:

Agency ID	Name	Orig Issue Date	Expire Date	LOA
5239	INTERMOUNTAIN TITLE INSURANCE & ESCROW AGENCY INC	5/3/1982	5/31/2022	TE
5239	INTERMOUNTAIN TITLE INSURANCE & ESCROW AGENCY INC	5/3/1982	5/31/2022	TS
15449	LEGENDS TITLE LLC	5/9/2006	5/31/2022	TE
15449	LEGENDS TITLE LLC	5/9/2006	5/31/2022	TS
6871	METRO NATIONAL TITLE	3/1/1988	5/31/2022	TE
6871	METRO NATIONAL TITLE	3/1/1988	5/31/2022	TMR
6871	METRO NATIONAL TITLE	3/1/1988	5/31/2022	TS
6315	PHILLIPS-HANSEN LAND TITLE COMPANY	7/9/1998	5/31/2022	TE
6315	PHILLIPS-HANSEN LAND TITLE COMPANY	7/9/1998	5/31/2022	TS
7084	PRO-TITLE AND ESCROW INC	5/20/1992	5/31/2022	TE
7084	PRO-TITLE AND ESCROW INC	5/20/1992	5/31/2022	TS
6777	STEWART TITLE OF UTAH INC	5/3/1982	5/31/2022	TE
6777	STEWART TITLE OF UTAH INC	5/3/1982	5/31/2022	TMR
6777	STEWART TITLE OF UTAH INC	5/3/1982	5/31/2022	TS
6786	TERRA TITLE COMPANY	5/9/1986	5/31/2022	TE
6786	TERRA TITLE COMPANY	5/9/1986	5/31/2022	TS
7430	WASATCH LAND & TITLE INSURANCE AGENCY INC	2/22/1996	5/31/2022	TE
7430	WASATCH LAND & TITLE INSURANCE AGENCY INC	2/22/1996	5/31/2022	TS

Lapsed Licenses:

Agency ID	Name	Orig Issue Date	Expired Date	LOA
6955	SECURITY TITLE COMPANY OF DAVIS COUNTY	3/24/1982	5/31/2020	TE
6955	SECURITY TITLE COMPANY OF DAVIS COUNTY	3/24/1982	5/31/2020	TS
163513	TIMIOS AGENCY OF UTAH INC	5/10/2010	5/31/2020	TE
163513	TIMIOS AGENCY OF UTAH INC	5/10/2010	5/31/2020	TS

Reinstated Licenses:

Agency ID	Name	Orig Issue Date	Expire Date	Reinstated Date	LOA
163424	GATEWAY TITLE INSURANCE AGENCY LLC	4/27/2010	4/30/2022	5/6/2020	TE
163424	GATEWAY TITLE INSURANCE AGENCY LLC	4/27/2010	4/30/2022	5/6/2020	TS

**Title Agent Licensing
May 2020**

New Licenses:

Individual ID	Last Name	First Name	Orig Issue Date	Expire Date	LOA
1865025	HOHMAN	ELIZABETH	5/13/2020	11/30/2022	TE

Renewed Licenses:

Individual ID	Last Name	First Name	Orig Issue Date	Expire Date	LOA
45188	ADAIR	J	11/6/1991	5/31/2022	TE
45188	ADAIR	J	12/3/1993	5/31/2022	TS
45226	ALLRED	SHEILA	12/2/1993	5/31/2022	TE
32229	ALLRED	DAVID	12/7/2006	5/31/2022	TE
37882	ANDERSON	CANYON	4/14/1987	5/31/2022	TS
122033	BAKER	ANN	11/21/2005	5/31/2022	TE
37706	BALLANTYNE	MARNAE	9/7/1995	5/31/2022	TE
1344464	BOSS	TAWNYA	12/28/2007	5/31/2022	TE
45508	BUCHANAN	J	3/20/1986	5/31/2022	TS
45508	BUCHANAN	J	9/12/1991	5/31/2022	TE
42875	BUSK	STACEY	4/5/1995	5/31/2022	TE
1735310	Bennett	Giulia	12/14/2017	5/31/2022	TE
1735310	Bennett	Giulia	11/15/2017	5/31/2022	TMR
69616	CANNON	KORI	9/11/2001	5/31/2022	TE
1732267	CARNES	SYDNEY	10/27/2017	5/31/2022	TE
1760519	CASTRO	LESLIE	5/10/2018	5/31/2022	TS
100285	COLE	ELIZABETH	4/5/2004	5/31/2022	TE
1652032	COONS	AMBER	3/14/2016	5/31/2022	TE
122749	CROOK	KRISTA	12/9/2005	5/31/2022	TE
1530319	CRUZ	LISA	7/1/2013	5/31/2022	TE
152079	CURTIS	HAYLEY	6/3/2010	5/31/2022	TS
3233	DAYTON	EDWARD	6/24/1994	5/31/2022	TE
3233	DAYTON	EDWARD	2/14/1992	5/31/2022	TS
30327	DORNBIER	CHERRY	9/7/1993	5/31/2022	TMR
30327	DORNBIER	CHERRY	5/1/2003	5/31/2022	TE

Renewed Licenses:

Individual ID	Last Name	First Name	Orig Issue Date	Expire Date	LOA
116337	FOSTER	ROBERT	3/2/2007	5/31/2022	TE
116337	FOSTER	ROBERT	7/26/2005	5/31/2022	TS
1693410	GOFF	KORTNEY	11/3/2017	5/31/2022	TE
37235	GUERRERO	LORI	1/24/1992	5/31/2022	TE
33238	HALL	DAN	11/14/2005	5/31/2022	TS
33238	HALL	DAN	3/15/2006	5/31/2022	TE
10155	HANLON	PAMELA	12/22/1997	5/31/2022	TS
10155	HANLON	PAMELA	12/22/1997	5/31/2022	TE
126483	HAWKINS	JOHN	3/20/2006	5/31/2022	TE
126483	HAWKINS	JOHN	10/22/2007	5/31/2022	TS
148890	HENRIE	ASHLIE	8/23/2007	5/31/2022	TE
43743	HODGSON	TUCKER	4/13/2004	5/31/2022	TE
43743	HODGSON	TUCKER	4/22/2002	5/31/2022	TMR
43743	HODGSON	TUCKER	4/6/2017	5/31/2022	TS
99118	HOLDING	KARI	3/3/2004	5/31/2022	TE
1757605	HOOPES	DAVID	4/12/2018	5/31/2022	TE
53946	HORNSBY	NANETTE	12/27/1991	5/31/2022	TE
127311	Hofheins	Andrea	4/4/2006	5/31/2022	TE
92969	IUND	AMBER	8/6/2003	5/31/2022	TE
31082	JAGERSON	MATTHEW	6/22/1998	5/31/2022	TS
31082	JAGERSON	MATTHEW	7/8/1999	5/31/2022	TE
1406861	KEARNS	JASON	11/10/2009	5/31/2022	TS
49111	LOPEZ	VICTORIA	12/10/1993	5/31/2022	TE
120484	LUNDQUIST	DALLAS	10/27/2005	5/31/2022	TMR
30167	MARTINDALE	TUESDAY	4/16/2001	5/31/2022	TE
30167	MARTINDALE	TUESDAY	10/22/1999	5/31/2022	TMR
125212	MCGEARY	KATHRYN	2/15/2006	5/31/2022	TE
71646	MCLACHLAN	SHELLI	11/21/2001	5/31/2022	TE
121975	MOHLMAN	FRANK	1/27/2006	5/31/2022	TE
121975	MOHLMAN	FRANK	11/22/2005	5/31/2022	TS
72722	MONSON	TANNA	1/2/2002	5/31/2022	TE
118958	MUELLER	AMANDA	9/20/2005	5/31/2022	TS

Renewed Licenses:

Individual ID	Last Name	First Name	Orig Issue Date	Expire Date	LOA
1739737	NELSON	TUCKER	3/8/2018	5/31/2022	TE
30197	NIELSEN	CHARLENE	10/20/1993	5/31/2022	TE
34001	NOBIS	MICHAEL	4/27/1998	5/31/2022	TS
1567718	PATCH	MARLENA	5/27/2014	5/31/2022	TE
1708513	PATRICK	CASEY	6/1/2017	5/31/2022	TS
1421503	PIMM	DEBRA	8/23/2011	5/31/2022	TE
1549871	RASMUSSEN	REBECCA	11/20/2013	5/31/2022	TE
39919	ROSE	ERIC	10/18/1999	5/31/2022	TE
115467	ROWLEY	STERLING	6/28/2005	5/31/2022	TS
115467	ROWLEY	STERLING	9/3/2008	5/31/2022	TE
101101	RUESCH	DEVIN	4/29/2004	5/31/2022	TS
101101	RUESCH	DEVIN	4/29/2004	5/31/2022	TE
36605	RYDALCH	JAYSON	1/10/2010	5/31/2022	TE
40301	SELLERS	SHERRY	4/21/1994	5/31/2022	TE
35723	SHURTZ	ROGER	12/28/1987	5/31/2022	TS
35723	SHURTZ	ROGER	12/28/1987	5/31/2022	TE
70707	SILVA	YVIE	10/22/2001	5/31/2022	TE
32234	SNOW	BRENDAN	7/14/1999	5/31/2022	TE
1458442	SOELBERG	LANA	4/25/2012	5/31/2022	TE
117642	SORENSEN	JACOB	8/26/2005	5/31/2022	TE
1658607	STEWART	PAMELA	4/20/2016	5/31/2022	TE
116747	TAYLOR	DARIN	8/2/2005	5/31/2022	TE
1659672	TRENT	LISA	4/26/2016	5/31/2022	TS
68115	Troske	Teresa	7/26/2001	5/31/2022	TE
35017	ULIBARRI	RANDI	7/7/1997	5/31/2022	TE
1748919	Villanueva	Chelsea	2/26/2018	5/31/2022	TE
1361673	WILSON	EMILY	11/14/2008	5/31/2022	TE
45448	WRIDE	JEANNA	10/18/1995	5/31/2022	TE

Lapsed Licenses:

Individual ID	Last Name	First Name	Orig Issue Date	Expired Date	LOA
1733755	ANDERSON	KAYSIE	11/27/2017	4/30/2020	TE
1647896	DAVIS	BROOKE	1/25/2016	4/30/2020	TE
1640938	DETRO	MICHELLE	1/4/2016	4/30/2020	TE
1658574	LYNN	KAMI	4/20/2016	4/30/2020	TMR
133149	NORD	KIRK	8/25/2006	4/30/2020	TS
133149	NORD	KIRK	9/11/2006	4/30/2020	TE
1717239	OSTROM	COURTNEY	7/27/2017	4/30/2020	TE
78972	ROSE	EMILY	7/12/2002	4/30/2020	TS
1617742	WILCOX	MELANIE	8/5/2015	4/30/2020	TMR

Reinstated Licenses:

Individual ID	Last Name	First Name	Orig Issue Date	Expire Date	Reinstated Date	LOA
50663	KERR	TIMOTHY	1/29/1993	4/30/2022	5/8/2020	TS
63751	MARTINEZ	DONNA	5/16/2002	2/28/2022	5/28/2020	TE
27406	MORTON	TAMARA	6/19/1995	4/30/2022	5/7/2020	TS
1369697	WAITE	LAURIE	1/24/2018	4/30/2022	5/12/2020	TE

**Title Agency Licensing
June 2020**

New Licenses:

Agency ID	Name	Orig Issue Date	Expire Date	LOA
(none)				

Renewed Licenses:

Agency ID	Name	Orig Issue Date	Expire Date	LOA
14929	ABSOLUTE TITLE INSURANCE AGENCY	11/10/2005	1/31/2022	TE
14929	ABSOLUTE TITLE INSURANCE AGENCY	11/10/2005	1/31/2022	TS
6481	ACTION TITLE COMPANY INC	6/8/1982	6/30/2022	TE
6481	ACTION TITLE COMPANY INC	6/8/1982	6/30/2022	TS
6473	HIGH COUNTRY TITLE	3/24/1982	6/30/2022	TE
6473	HIGH COUNTRY TITLE	3/24/1982	6/30/2022	TS
11437	LINCOLN TITLE INSURANCE AGENCY	6/3/2002	6/30/2022	TE
11437	LINCOLN TITLE INSURANCE AGENCY	6/3/2002	6/30/2022	TS
175579	PLATINUM TITLE SERVICES LLC	6/25/2014	6/30/2022	TE
175579	PLATINUM TITLE SERVICES LLC	6/25/2014	6/30/2022	TS

Lapsed Licenses

Agency ID	Name	Orig Issue Date	Expired Date	LOA
175585	BAY NATIONAL TITLE AGENCY OF UTAH INC	6/24/2014	6/30/2020	TE
175585	BAY NATIONAL TITLE AGENCY OF UTAH INC	6/24/2014	6/30/2020	TMR
175585	BAY NATIONAL TITLE AGENCY OF UTAH INC	6/24/2014	6/30/2020	TS

Reinstated Licenses

Agency ID	Name	Orig Issue Date	Expire Date	Reinstated Date	LOA
163513	TIMIOS AGENCY OF UTAH INC	5/10/2010	5/31/2022	6/8/2020	TE
163513	TIMIOS AGENCY OF UTAH INC	5/10/2010	5/31/2022	6/8/2020	TS

**Title Agent Licensing
June 2020**

New Licenses:

Individual ID	Last Name	First Name	Orig Issue Date	Expire Date	LOA
(none)					

Renewed Licenses:

Individual ID	Last Name	First Name	Orig Issue Date	Expire Date	LOA
1477295	ANDERSON	JASON	2/21/2012	6/30/2022	TS
100959	ANDERSON	BRIAN	4/26/2004	6/30/2022	TS
6190	ANTHONY	SUE	5/31/1994	6/30/2022	TE
34187	BARNES	JEFFREY	9/27/1999	6/30/2022	TS
34187	BARNES	JEFFREY	3/9/2005	6/30/2022	TE
1732762	BENTON	KENZIE	11/2/2017	6/30/2022	TE
69611	BLANCO	NANCY	9/10/2001	6/30/2022	TS
1568553	BOWLES	TIFFANY	5/13/2014	6/30/2022	TE
1732599	BRASK	MALORIE	10/26/2017	6/30/2022	TE
38697	BROWN	LONNY	3/31/1995	6/30/2022	TE
38697	BROWN	LONNY	2/24/1994	6/30/2022	TS
1415104	BUTCHER	AMBER	3/12/2018	6/30/2022	TE
74754	CHILD	ALAN	12/22/2004	6/30/2022	TS
74754	CHILD	ALAN	3/7/2002	6/30/2022	TMR
74754	CHILD	ALAN	6/19/2003	6/30/2022	TE
1733059	CHRISTENSEN	RACHAEL	10/30/2017	6/30/2022	TE
34017	DAVIS	REBECCA	2/12/1998	6/30/2022	TE
37409	DAY	MARK	4/22/1982	6/30/2022	TE
37409	DAY	MARK	4/22/1982	6/30/2022	TS
45853	DECARIA	DOUGLAS	2/29/1984	6/30/2022	TS
45853	DECARIA	DOUGLAS	2/29/1984	6/30/2022	TE
125664	DECKER	JAMI	2/14/2006	6/30/2022	TE
6723	DENUNZIO	PATTIE	1/29/2004	6/30/2022	TE
6723	DENUNZIO	PATTIE	7/26/1993	6/30/2022	TMR
32855	EDWARDS	LADAWN	6/16/1993	6/30/2022	TE

Renewed Licenses:

Individual ID	Last Name	First Name	Orig Issue Date	Expire Date	LOA
36747	FRY	SHELLY	4/27/1990	6/30/2022	TE
130627	GORE	CHANEL	6/16/2006	6/30/2022	TE
122146	HIATT	JENNA	5/18/2006	6/30/2022	TE
122146	HIATT	JENNA	12/16/2005	6/30/2022	TS
36219	HICKMAN	STACEY	6/17/1998	6/30/2022	TMR
36219	HICKMAN	STACEY	2/10/2005	6/30/2022	TE
45020	HOUGHTON	SUSAN	5/19/2004	6/30/2022	TE
45020	HOUGHTON	SUSAN	10/14/1993	6/30/2022	TS
130679	HUNTER	TIFFANY	6/27/2006	6/30/2022	TE
32281	IVERSON	ERIC	4/8/1994	6/30/2022	TE
34177	JOHNSON	SHAUNA	4/8/1994	6/30/2022	TS
76978	JOHNSON	KIRK	5/21/2009	6/30/2022	TE
76978	JOHNSON	KIRK	5/8/2002	6/30/2022	TMR
37633	Knowlden	Jodie	12/22/1995	6/30/2022	TE
1723417	LANCASTER	SETH	9/6/2017	6/30/2022	TE
1723417	LANCASTER	SETH	9/28/2018	6/30/2022	TS
130929	MAUGHAN	PAULA	6/29/2006	6/30/2022	TS
1361261	MCCLEERY	BRIGGETT	5/15/2008	6/30/2022	TE
101657	MCCOY	ALISON	9/7/2004	6/30/2022	TS
101657	MCCOY	ALISON	5/13/2004	6/30/2022	TE
39866	MILLER	LARALI	12/21/1993	6/30/2022	TE
1554094	MILNE	CONNOR	2/6/2014	6/30/2022	TS
40936	MONEY	SHAUNA	3/5/1998	6/30/2022	TMR
40936	MONEY	SHAUNA	7/9/1998	6/30/2022	TE
42851	MURPHY	MICHAEL	11/10/2003	6/30/2022	TE
42851	MURPHY	MICHAEL	1/6/2000	6/30/2022	TS
32820	McQueen	Sunnie	4/11/1996	6/30/2022	TE
35992	NEWELL	SEAN	5/1/1995	6/30/2022	TS
1547192	NEWMAN	RODNEY	3/27/2017	6/30/2022	TS
1547192	NEWMAN	RODNEY	11/21/2013	6/30/2022	TE
130631	PEARCE	NATASHA	11/28/2016	6/30/2022	TS
130631	PEARCE	NATASHA	6/16/2006	6/30/2022	TE

Renewed Licenses:

Individual ID	Last Name	First Name	Orig Issue Date	Expire Date	LOA
1491759	PECZUH	TAMIE	8/22/2013	6/30/2022	TE
130855	PETERSEN	CODY	6/29/2006	6/30/2022	TE
31223	PINDER	KEVIN	12/9/1994	6/30/2022	TE
122006	PLEWE	JARED	12/1/2005	6/30/2022	TE
16697	ROBINS	VICKY	9/13/1999	6/30/2022	TE
130674	ROBINSON	RANDI	6/23/2006	6/30/2022	TE
38004	SIMPSON	BRETT	8/8/1989	6/30/2022	TE
102929	SMITH	WENDY	6/17/2004	6/30/2022	TE
117304	STANTON	TRUDY	8/19/2005	6/30/2022	TS
55193	Schiffman	Nikole	3/19/1999	6/30/2022	TS
1756546	THURMAN	BRYCE	4/9/2018	6/30/2022	TMR
35995	WEBSTER	JAMI	2/21/1996	6/30/2022	TE
93017	WILSON	JUSTIN	8/7/2003	6/30/2022	TMR
93017	WILSON	JUSTIN	7/13/2015	6/30/2022	TS

Lapsed Licenses:

Individual ID	Last Name	First Name	Orig Issue Date	Expired Date	LOA	
1696959	BERNTSEN	ANGIE	2/5/2018	5/31/2020	6/30/2020	TMR
38714	HARRIS	MATTHEW	4/29/1999	5/31/2020	6/30/2020	TMR
98256	HARRIS	MICHELLE	1/29/2004	5/31/2020	6/30/2020	TE
1755452	HOUGHTON	LINDSEY	3/29/2018	5/31/2020	6/30/2020	TS
42556	LAWSON	RONALD	6/1/1974	5/31/2020	6/30/2020	TE
42556	LAWSON	RONALD	6/1/1974	5/31/2020	6/30/2020	TS
1711914	MARTIN	LUKE	6/23/2017	5/31/2020	6/30/2020	TE
1729672	Tingey	Shannon	10/27/2017	5/31/2020	6/30/2020	TS
36896	WILSON	WENDY	10/20/1989	5/31/2020	6/30/2020	TE
119530	WORKMAN	JASON	10/6/2005	5/31/2020	6/30/2020	TMR

Reinstated Licenses:

Individual ID	Last Name	First Name	Orig Issue Date	Expire Date	Reinstated Date	LOA
89391	LIPSCOMB	MATTHEW	4/24/2003	5/31/2022	6/12/2020	TMR
39882	MORTENSEN	BRAD	8/24/1989	5/31/2022	6/9/2020	TS
39882	MORTENSEN	BRAD	8/24/1989	5/31/2022	6/9/2020	TE
33654	SMITH	ANNE	10/1/1973	5/31/2022	6/17/2020	TS
33654	SMITH	ANNE	10/1/1973	5/31/2022	6/17/2020	TE

BEFORE THE UTAH INSURANCE COMMISSIONER

UTAH INSURANCE DEPARTMENT,

Complainant,

vs.

FIDELITY TITLE SERVICES, LLC,

Respondent.

ORDER

Docket No. 2019-4186

Lisa Watts Baskin
Presiding Officer

Complainant Utah Insurance Department (“the Department”), by and through counsel, Helen Frohlich, Assistant Utah Attorney General, commenced this Complaint by Notice of Formal Agency Action, dated February 6, 2020. The complaint seeks payment of \$5,000.00 in forfeiture, pursuant to Utah Code §§ 31A-1-105, 31A-2-201, 31A-2-308, and Utah Admin. Code R592-15. Respondent Fidelity Title Services, LLC (“Fidelity Title Services, LLC”), by and through counsel, Kyler McCarty (“McCarty”), filed an Answer, requesting dismissal with prejudice, costs and attorneys fees, and other equitable relief. A formal evidentiary proceeding was held on June 4, 2020. The matter was recorded.

JURISDICTION

Jurisdiction is proper pursuant to Utah Code §§ 31A-1-105, 31A-2-201, 31A-2-308, 63G-4-204 through 209 and Utah Admin. Code R590-160 and R592-15.

FINDINGS OF FACT

The undersigned enters these findings of fact based on a preponderance of evidence. In

assessing the credibility of witnesses, the court has considered the source and basis of each witness's knowledge; the ability of each witness to observe; the strength of the witness's memory; each witness's interest, if any, in the outcome of the litigation; the relationship of each witness to either side in the case; and the extent to which each witness's testimony is either supported or contradicted by other evidence.

1. Fidelity Title Services, LLC is a Resident Producer Organization holding license number 628783 with lines of authority in Title Escrow, Title Examination, and Title Marketing Representative.

2. McCarty is the owner of Fidelity Title Services, LLC. He holds an Individual Resident Producer License with Title Escrow, Title Examination, and Title Marketing Representative lines of authority. His license number is 622314. McCarty is also a licensed attorney in good standing with the Utah State Bar at McCarty Parry Attorneys at Law.

3. On February 11, 1982, Fidelity Land & Title ("FL&T") was licensed with the Department as a Resident Producer Organization with Title Escrow and Title Examination lines of authority. The license number was 2580.

4. In complete compliance with Utah Code § 31A-19a-209(2)(a), FL&T filed its minimum escrow rates with the Department on August 25, 2006.

5. McCarty purchased FL&T from Lyle Duncan on May 16, 2017. McCarty acquired FL&T for the purpose of continuing the operations and purchasing all the assets of FL&T, including trade names and business names. On May 16, 2017, McCarty formed Fidelity Title Services, LLC, with the knowledge that the seller Duncan wanted to retire and not maintain the legal entity. R. at 13:09-16:27.

6. FL&T voluntarily surrendered its Resident Producer Organization license with Title Escrow and Title Examination lines of authority with the Department on December 18, 2017, and retired. UID Exh. 2, Individual Agency Change Request Form.¹

7. On August 17, 2017, Fidelity Title Services LLC was formed as a new entity, with a new name, new federal employer ID number, and new Department license number.

8. Fidelity Title Services, LLC was licensed with the Utah Insurance Department on August 17, 2017, as a Resident Producer Organization with Title Escrow, Title Examination, and Title Marketing Representative lines of authority. McCarty is the owner and qualifier for the agency license.

9. On September 12, 2019, the Department conducted an internal audit review of all Utah licensed title agencies to confirm the filing of minimum escrow rates by each title agency.² The Schedule of Minimum Charges for Escrow Services (“schedule”) must be filed pursuant to Utah Code § 31A-19a-209(2)(a) and Utah Admin. Code R592-15.

10. Adam Martin (“Martin”), Market Conduct Examiner with the Department, conducts investigations and audits, and addresses complaints regarding title and escrow matters. He has worked for the Department since 2007, and possesses substantial experience and expertise. Martin testified that the audit was ordered by the Department to review the minimum escrow filings of all 170 licensed agencies to verify compliance. R. at 1:21:44 - 1:23:55. The audit revealed that other title agencies had completed closings without properly filing the schedule of escrow rates. They were subsequently ordered to pay

¹ Document was filed post-hearing upon court’s request with no objection from the parties.

² Mini escrow means an escrow settlement service conducted by an agency title insurance producer to clear a title, obtain payoffs and record necessary closing documents for a lender that performs his or her own closing service. A minimum escrow fee is the minimum amount that must be charged for escrow settlement services that are rendered.

forfeitures of \$5,000.00 for violating the statute and rule. The Department complied with the mandate to assess penalties pursuant to § 31A-19a-209(2)(a)(i) and Utah Admin. Code R592-15-10.³ Martin explained that it is lawful for title agencies to be licensed without filing the schedule of mini escrow rates if the organization does not intend to transact escrow closings. R. at 1:21:44 – 1:23:55.

11. During the audit, the Department determined that Fidelity Title Services, LLC had not filed its schedule of rates with the Department.

12. On September 23, 2019, the Department sent a letter with instructions on how to file the schedule and to pay the filing fee.

13. On October 1, 2019, Fidelity Title Services, LLC filed its schedule of escrow charges and paid the \$25 fee. UID Exh. 1, 006. Even though Fidelity Title Services, LLC was quick to respond to correct the violation, it does not negate that the violation occurred.

14. On October 2, 2019, the Department acknowledged receipt of the schedule of minimum escrow rates. The letter requested further information regarding all escrow closings conducted between August 17, 2017 and September 30, 2019, along with a statement of estimated profit of each escrow closing.

³ See *Utah Insurance Department v. Invictus Title Insurance Agency, LLC*, Docket No. 2019-4164 (September 27, 2019)(Concurrence with Imposition of Penalty, Title and Escrow Commission, by a vote in open meeting of 4-0, October 21, 2019)(Licensee had not filed the schedule of mini escrow rates for four years with 531 closings); *Utah Insurance Department v. Lendmark Closing Services of Utah, LLC*, Docket No. 2019-4177 (October 30, 2019)(Title and Escrow Commission Response to Request for Concurrence with Penalty, by a vote in open meeting of 5-0, November 18, 2019) (Licensee had not filed the schedule for 18 months with 122 closings); *Utah Insurance Department v. Synergy Title Insurance Agency, LLC*, Docket No. 2019-4181 (November 8, 2019)(Title and Escrow Commission Response to Request for Concurrence with Penalty, by a vote in open meeting of 5-0, November 18, 2019)(Licensee had not filed the schedule for 18 months with 512 closings). The administrative forfeiture amount in each case was uniformly applied at \$5,000.00, despite varying dates of noncompliance and numbers of closings.

15. On October 8, 2019, Fidelity Title Services, LCC responded and thereby admitted that it had completed 185 closings between August 17, 2017 and September 30, 2019, without having filed its schedule of escrow charges with the Department.

16. Fidelity Title Services, LLC estimated its profit per closing was \$130.00.

17. On October 22, 2019, Martin notified Fidelity Title Services, LLC that the Department determined it violated Utah Code § 31A-19a-209(2)(a), seeking forfeiture of \$5,000.00. R. at 1:17:53-1:18:26. Martin utilized the Utah Insurance Department Penalty Worksheet, explaining to McCarty the possible forfeiture amounts, ranging from \$18,500 to approximately \$49,000. Martin identified the cap of \$5,000.00 for an audit forfeiture. UID Exh. 1, 025-031. McCarty alleged and testified that Martin threatened to impose penalties of \$40,000 which are indeed authorized in Utah Code in the absence of an audit procedure. Martin testified that he remained cordial throughout the audit process and did not threaten McCarty. R. at 1:18:26-1:18:59. Based upon the evidence and testimony presented, the court finds no threat occurred beyond a factual explanation of the penalty worksheet.

18. Notably, Fidelity Title Services, LLC has experienced several other lapsed licensing and filing deadlines for which McCarty was notified by the Department.⁴

⁴ In documents filed by the parties, post-hearing, and without objection, records show that on other occasions the Department provided notice and assistance to Fidelity Title Services, LLC about filing requirements. UID Exh. 3, pp. 1-7, UID Exh. 4, pp. 1-3; FTS Exh. 2, pp. 1-7. For example, on January 16, 2020, numerous emails were exchanged cordially between the parties wherein the Department notified McCarty that his resident producer individual license was inactivated on November 30, 2019, for incomplete continuing education (CE). The email also provided statutory provisions, instructions, and a link to SIRCON to complete the reinstatement. The letter referenced an earlier notice on October 30, 2019, sent from the Department to McCarty, reminding him of his CE requirements. In a second email on the January 16, 2020, the Department explained that in order to be exempt from

19. In his pleadings and at the hearing, McCarty argued that his small title company does not have the comprehensive staff to stay in compliance with state requirements and that they “tried to follow all applicable requirements to the best we know how.” R. at 9:52. McCarty testified that he believes regulatory compliance is important, but admitted Fidelity Title Services, LLC has “had challenges in complying with timelines.” R. 34:33-36:12.

20. The evidence of late filings and noncompliance by Fidelity Title Services, LLC displays a pattern of conduct that is contrary to statute and rule. McCarty argued in closing argument that he responded promptly to emails from the Department regarding his failure to file the schedule, and despite some delays, he exercised good faith in trying to provide the necessary information requested. Fidelity Title Services, LLC brings the defense of the title agency’s small size, its limited staff, and the lack of sufficient notice to justify its dilatory actions regarding statute and rule. To this point, the statutory provisions and administrative rules do not contemplate or permit substantial compliance. Otherwise the purpose of regulation would be undermined. Of the 170 title agencies subject to audit, only three other title agencies were in violation and sanctioned. The late filings are impermissible and related explanations as defenses are unpersuasive.⁵

CE requirements, and be a qualifier for Fidelity Title Services, LLC, a licensed attorney must file a Certificate of Good Standing to ensure education credit with each renewal. On January 17, 2020, McCarty apologized “about the mixup” and attached his request for Certificate of Good Standing, bar license renewal receipt, and Certificate of Compliance. He also said he paid the fee through SIRCON. However, it was not until just days before the present hearing that he completed the reinstatement form.

⁵ On May 29, 2020, the Department informed McCarty that Fidelity Title Services, LLC had not filed its Annual Report which was due April 30, 2020. UID Exh. 5, pp. 1-2. On June 1, 2020, Fidelity Title Services, LLC filed its Annual Report and it is officially noted as complete. On June 1, 2020, the Department informed McCarty by email that his individual license was still inactive and asked if McCarty had completed the reinstatement form. On June 2, 2020, just two days prior to the scheduled evidentiary hearing, his license

21. Fidelity Title Services, LLC alleges that it had not received sufficient notice of the requirement to file the minimum escrow rate schedule. This defense is unpersuasive in light of the specificity of Utah Admin. Code R592-15-5 and R592-15-6. The rules state that “[e]ach filing submitted must be accurate, consistent, complete, and contain all required documents in order for the filing to be processed in a timely and efficient manner.” Subsection (2) of R592-15-5 clearly states: “Licensees are responsible for assuring compliance with Utah laws and rules.” The Department’s official, public webpage is readily accessible and current with the applicable filing fees, procedures, and information required, citing both current statute and administrative rule and providing detailed instructions and forms. Nevertheless, administrative rules place the responsibility on the licensee to comply. This failure to file the schedule of minimum escrow rates, as applied to 185 closings, provides persuasive evidence to the court that it was Fidelity Title Services, LLC that lacked attention and professional safeguards which resulted in regulatory violations. Evidence exists to show the business’s pattern of conduct, including a dilatory 2020 Annual Report Form, an inactivated licensure due to incomplete continuing education, the failure to complete the reinstatement form, and an unfiled annual Certificate of Good Standing with the state bar. The Department’s numerous emails and letters provided to Fidelity Title Services, LLC alerted the organization of its duty to know the rules and the law to conduct a lawful title insurance business. Findings of Fact, ¶¶ 18, footnote 4; 20, footnote 5.

was reinstated with lines of authority through the Department’s Renewal and Reinstatement personnel. The evidence provides a record of numerous notifications and reminders by the Department to McCarty.

22. McCarty submitted a draft invoice for legal services billed by McCarty Parry Attorneys at Law on behalf of client Fidelity Title Services, LLC for \$3,552.00. FTS Exh.1, 039-040. The attorneys are not entitled to a separate award of attorneys' fees in this administrative proceeding; such may be awarded to prevailing parties in actual court proceedings. *Muddy Boys, Inc., v. Dept. of Commerce, DOPL*, 2019 UT App 33, ¶29, 440 P.3d 741.

23. Good faith compliance to file the schedule does not equate to actual compliance. Fidelity Title Services, LLC violated Utah Code § 31A-19a-209(2)(a)(i) which requires strict compliance, not substantial compliance. Findings of Fact, ¶¶ 13, 19.

24. The doctrine of estoppel, laches, and waiver are inapplicable based upon the Department's strict compliance and uniform enforcement. Findings of Fact, ¶ 10, footnote 3. Once the Department became aware of Fidelity Title Services, LLC's conduct in the audit, it immediately notified the organization and requested that a rate schedule be filed and further information be provided to gather facts and determine appropriate corrections and penalties. Findings of Fact, ¶¶ 10, 11, 12, 13, 14, 15, 16, 17.

25. The purpose of the schedule of minimum escrow rates is to protect consumers, members of the public, and other individuals engaged in title and escrow transactions. Insurance rate regulation is vital to assure there exists a reasonable degree of price competition so that rates, including minimum escrow rates, are not "excessive, inadequate, or unfairly discriminatory." Utah Code § 31A-19a-201. Publication of the

schedule of rates on the department's webpage in also intended to protect competitors. The failure to provide such information may cause harm to other title agencies in direct competition.

26. Fidelity Title Services, LLC was ordered to pay a forfeiture of \$5,000.00, entirely consistent with penalties imposed upon the other audited title agencies. Findings of Fact, ¶ 10, footnote 3. Utah Code § 31A-2-308(1)(a) mandates a forfeiture up to twice the amount of any profit gained from the violation to be imposed. Fidelity Title Services, LLC obtained profits during October 17, 2017 to September 30, 2019, and so the penalty could have been higher. UID Exh. 1, 014-015. However, Fidelity Title Services, LLC was assessed only \$5,000.00 because the Department's Penalty Worksheet deemed the matter an audit forfeiture, with a \$5,000.00 limit. UID Exh. 1, 027-029. R. at 1:14:36.

27. Fidelity Title Services, LLC provides no evidence whatsoever that the Department acted with unclean hands. The relevant statute and rules were effective at the time the violations occurred. The court is not sufficiently persuaded otherwise.

28. Utah Code § 31A-2-404(1)(b)(ii) does not require the concurrence by the Title and Escrow Commission before imposing the penalty. This is not the way the statute is executed. Findings of Fact, ¶ 10, footnote 3.

29. Fidelity Title Services, LLC provides no evidence or case law that the \$5,000.00 forfeiture to be imposed is excessive, repetitive, and fundamentally unfair, violates the Sixth, Eighth and Fourteenth Amendments, or impairs competition. This kitchen sink defense carries no weight whatsoever. At oral argument, Fidelity Title

Services, LLC asserted that the violation of Utah Code § 31A-19a-209(2)(a) amounts to just one violation, not 185 violations, without providing evidence or legal authority. Utah Code § 31A-2-308 provides that each day a violation continues is a separate violation. Forfeitures that accumulate and accrue for each day of violation are statutory sanctions widely used in federal, state, and local legislative and administrative contexts. From environmental hazards to public utility rates, enforcement penalties that accrue for each day of violation are not excessive, repetitive and fundamentally unfair.⁶

CONCLUSIONS OF LAW

1. The Utah Insurance Commissioner (“Commissioner”) has jurisdiction over the parties and this adjudicative proceeding pursuant to Utah Code §§ 31A-1-105 and 31A-2-201.
2. The Commissioner has legal authority to impose penalties on the Department's licensees who violate the Utah Insurance Code. Utah Code § 31A-2-308.
3. Utah Code § 31A-19a-209(2)(a)(i) requires a title agency to file a schedule of escrow charges that it proposes to use in Utah. Fidelity Titles Services, LLC violated this statutory provision by failing to file a schedule of escrow charges from August 17, 2017 to September 30, 2019.
4. As a penalty for this violation in this case, Respondent should be ordered to pay a forfeiture of \$5,000.00.

⁶ R.D. Hursh, *Recovery of Cumulative Statutory Penalties*, 71 ALR2d 986 (Originally published in 1960).


ORDER

Based on the foregoing Findings of Fact and Conclusions of Law, and good cause appearing, the Utah Insurance Commissioner orders as follows:

1. The Request for Dismissal with Prejudice by Fidelity Title Services, LLC is DENIED.
2. Fidelity Title Services, LLC shall pay a forfeiture of \$5,000.00 for the violations described in the Conclusions of Law.
3. Fidelity Title Services, LLC is ordered not to commit the violations described in the Conclusions of Law.

DATED this 10th day of July, 2020.

TODD E. KISER
UTAH INSURANCE COMMISSIONER



Lisa Watts Baskin
Administrative Law Judge
Utah Insurance Department
3110 State Office Building
Salt Lake City, UT 84114
801-538-3860
Email: uidadmincases@utah.gov

Right To Apply for Reconsideration

Pursuant to Utah Code § 63G-4-302, any party may file a written request for reconsideration with the agency within 20 days after the date of this order.

Right to Judicial Review

Pursuant to Utah Code § 63G-4-401, a party may obtain judicial review of final agency action by filing a petition for judicial review within 30 days after the date the order constituting final agency action is issued.

You may find the rules regarding Administrative Law Judges at <https://rules.utah.gov/publicat/code/r477/r477-101.htm>.

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on this date a true and correct copy of the foregoing

Order was emailed to:

Kyler McCarty
Fidelity Title Services, LLC
kyler@fidelitytitleprovo.com

Helen Frohlich
Assistant Attorney General
hfrohlich@agutah.gov

DATED this 10th day of July, 2020.



Jeanine Couser
Utah Insurance Department
3110 State Office Building
Salt Lake City, UT 84114
(801) 538-3860

2020 Requests for Exemption from Title Agency Training Reqs.

(31A-23a-204)

		Date					
		Utah Insurance Department				Title and Escrow Commission	
Month	Name Supporting Information	Received	Preliminary Approval	Preliminary Disapproval	Applicant Notified	Concur	Non-concur
July	<p>Jeffrey Scott Breglio Year licensed as attorney – Licensed with Utah State Bar since 1998. Ins license history – Licensed Producer with Title Exam line from 2009 to 2011; then had Title Escrow since 2014, and Title Exam line recently added again effective 7/6/2020. Real estate experience – Real estate experience for over 20 years as attorney, investor, real estate agent, escrow officer, private lender and national real estate educator. For the last six years has been an escrow officer closing nearly 600 transactions. Legal real estate experience – Involved as practicing attorney in real estate law since 2001, focusing on asset protection and transactional documentation. Represents real estate brokerages, agents, contractors, private lenders and real estate investors. Has drafted and reviewed thousands of purchase contracts, seller-financing contracts and all-inclusive notes and deeds, conveyance deeds, reconveyances, trust deed assignments and modifications, title commitments, policies and clearings, and in resolving and litigating numerous other transactional issues from breach of contract to probate to quiet title actions, as well as assisting real estate agents with licensing concerns before the DRE.</p>	07/03/2020 (a state holiday)	07/09/2020		07/09/2020		

Mr. Randy Overstreet
Title and Escrow Commission
Utah Department of Insurance

July 3, 2020

Dear Randy,

I am submitting this letter under R592-8 for an attorney exemption from the experience time period requirements under 31A-23a-204(1)(a)(i) for a Utah title insurance agency application. Here is my contact information.

Jeffrey S. Breglio

Physical Address:
234 E 2100 South
Salt Lake City, UT 8115

Mailing Address:
32 W 200 South, #307
Salt Lake City, UT 84101

jeff@bregliolaw.com
(801) 560-2180
Escrow License Number: 306250
Title Examination License Number: TBD (applied on July 2, 2020)

Experience.

I have been involved in real estate for over 20 years as an attorney, investor, real estate agent, escrow officer, private lender and national real estate investment educator. I have been a part of over 4000 real estate transactions from just about every angle. Currently, I am also on the board of the Salt Lake Real Estate Investors Association as well as its attorney; on the board of the Utah Valley Real Estate Investors Association overseeing education; and a regular content contributor and speaker for the Utah Real Estate Investors Association. Also, I have been a licensed real estate continuing education (CE) instructor with the Utah Division of Real Estate for the last 6 years. Further, I teach a Real Estate and the Law class for landlords at Utah Valley State College in their continuing education department.

I began investing in 1999 when I purchased my first flip project and rental property. I am still an active investor to this day and own both residential and commercial properties in addition to being a hard money lender. It was at this time that I got my real estate agent's license to help facilitate my own investing pursuits but was also involved in numerous retail transactions. I held that license for nearly eight years, working for various brokerages.

While investing, I found a great need for competent legal work for real estate investors. It was then that I began practicing real estate law in general, and investment work in particular, which I have done since 2001.

In my law practice I focus on two areas of real estate: asset protection and transactional documentation. I represent real estate brokerages, agents, contractors, private lenders and real estate investors. I have drafted and reviewed thousands of purchase contracts, seller-financing contracts and all-inclusive notes and deeds, conveyance deeds, reconveyances, trust deed assignments and modifications, title commitments, policies and clearings as well as overseeing, resolving and litigating numerous other transactional issues and complications from breach of contract to probate to quiet title actions. I have also assisted real estate agents with licensing concerns before the DRE.

As I was practicing, I was often asked to speak and teach to local real estate investment and other real estate-oriented clubs. I found that I truly loved it. That began my career as a real estate investment educator. I have taught multiple thousands of Utahns on real estate issues. I have presented at real estate brokerages, the National Association of Hispanic Real Estate Professionals, the National Association of Mortgage Professionals, title companies and national real estate investment clubs. Below is a short list of topics that I competently speak on:

1. Title, deeds and clouds
2. Understanding closing documents
3. Asset protection of real estate
4. Contracting & leasing in real estate
5. Real estate and probate
6. Clearing problems from title (quiet title actions)
7. Working with subcontractors
8. Real estate taxation
9. Seller-financing deals
10. Wholesaling deals
11. Lending and borrowing protections
12. The use of entities and trusts in real estate
13. Self-direction of retirement accounts in real estate
14. Partnering in real estate
15. Multi-family investments
16. Raising funds and syndications

After nearly 15 years as an educator, I started REI Mastery U (www.reimasteryu.com), an online real estate investment educational platform with hundreds of hours of real estate educational content that boasts members from all over the country.

For the last six years I have been an escrow officer closing nearly 600 transactions. I wish now to open my own title company. I believe this extensive list of qualifications adequately supports

my petition to waive the 3 years of title examination experience as a requirement for the agency license.

If you would like even more details, I am happy to provide whatever you request.

Respectfully,

Jeffrey S. Breglio